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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/156,367	09/17/1998	YA FANG LIU	YFL98-01PA	9992

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EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 08/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliance  
With 37 CFR 1.192(c)**

Application No.

09/156,367

Applicant(s)

LIU, YA FANG

Examiner

Marianne P. Allen

Art Unit

1631

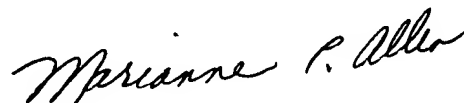
**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

The Appeal Brief filed on 23 July 2002 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.

To avoid dismissal of the appeal, applicant must file IN TRIPLICATE a complete new brief in compliance with 37 CFR 1.192 (c) within the longest of any of the following three **TIME PERIODS**: (1) **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer; (2) **TWO MONTHS** from the date of the notice of appeal; or (3) within the period for reply to the action from which this appeal was taken. **EXTENTIONS OF THESE TIME PERIODS MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims (37 CFR 1.192(c)(3)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 1.192(c)(4)).
4. ☐ The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters (37 CFR 1.192(c)(5)).
5. ☐ The brief does not contain a concise statement of the issues presented for review (37 CFR 1.192(c)(6)).
6. ☐ A single ground of rejection has been applied to two or more claims in this application, and
  - (a) ☐ the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
  - (b) ☐ the brief includes the statement required by 37 CFR 1.192(c) (7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7. ☐ The brief does not present an argument under a separate heading for each issue on appeal (37 CFR 1.192(c)(8)).
8. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 1.192(c)(9)).
9. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet

  
Marianne P. Allen  
Primary Examiner  
Art Unit: 1631

Continuation of 9. Other (including any explanation in support of the above items): The supplemental amendment after final rejection submitted 4/11/02 has been entered. Claims 1-3, 5-6, 9-10, 14-18, and 45 are allowable. Claim 19 remains rejected under 35 USC 103 for reasons of record. The art when taken as a whole suggests methods for assessing a compound's ability to inhibit MLK1, MLK2, and/or MLK3 kinase activity. It is noted that the clean copy of claim 19 contains a typographical error in omitting the "3" from "MLK3." (See marked up copy of the claims.) It is noted that the art collectively teaches that SEK1 is a substrate for MLK1, MLK2, and MLK3. As such, phosphorylation of SEK1 is a measure of MLK kinase activity. The art provides ample motivation for identifying inhibitors of these kinases.

In view of entry of the supplemental amendment and allowability of the above claims, the appeal brief does not provide the correct version of the claims nor reflect the correct status of the claims. In addition, the references applied in the rejection of claim 19 under 35 USC 103 all predate the priority document. As such applicant's arguments regarding priority benefit are not germane to this rejection. Should applicant submit a new appeal brief, applicant is reminded that granting or denial of priority to a provisional application is not appealable or petitionable in and of itself. This issue is not on appeal. Should this application ever be involved in an interference proceeding, such arguments would be evaluated in that proceeding.

Finally, applicant submitted only a single copy of the brief not the required three copies.